

REMARKS

The claims presented are 1, 3, 5-10, and 12. Claims 2, 4, 11 and 13 were canceled during the international stage. Claims 1 and 9 are independent and the rest are dependent.

In compliance with the section 1 on page 2 of the Office Action, applicants confirm the election of Group I, drawn to a porous molded composition impregnated with a phenolic resin. The elected claims are 1, 3 and 5-8. The unelected claims are 9, 10 and 12.

The requirement for restriction is respectfully traversed. The Examiner identifies the elected claims as being drawn to a porous molded composition impregnated with a phenolic resin and identifies the unelected claims as being drawn to a method of making a porous molded composition impregnated with a phenolic resin.

A search directed to either invention will seek to uncover prior art disclosing a porous molded composition impregnated with a phenolic resin. Thus the searches for the two identified groups will be nearly if not completely coextensive. In examining the claims of group I, the Examiner will not refuse to inspect a reference disclosing a porous molded composition impregnated with a phenolic resin, even if the reference additionally discloses a method of making such a product. Similarly, an Examiner of the claims of group II will not refuse to inspect a reference disclosing a porous molded composition impregnated with

a phenolic resin, even if the reference fails to disclose a method of making such a product.

In view of the close relationship of the searches, it is in the interest of the Patent Office to have all of the claims considered on the merits by one Examiner rather than requiring two Examiners to become familiar with the subject matter of the application.

It is interest of the public to be able to determine the metes and bounds of the patented invention by inspecting a single document rather than having to inspect two such documents.

Finally, it is, of course, in the interest of applicants to pay only a single filing fee, a single issue fee, and a single series of maintenance fees.

Accordingly, it is respectfully requested that the requirement for restriction be withdrawn and that the merits of all of the claims presented be considered in the present application.

However, if the requirement for restriction is made final, and the application is otherwise in condition for allowance, the Examiner is authorized to cancel the unelected claims in order to expedite issuance of a patent containing the elected claims. Any such cancellation will be without prejudice to applicants' right to file a divisional application directed to the subject matter of group II.

In accordance with section 5 on page 3 of the Office Action, we are submitting herewith a new declaration acknowledging the filing of the PCT application. The new declaration identifies the application by its serial number and filing date and is in compliance with 37 CFR §602.02.

The first line of the specification has been amended as required in section 5 on page 3 of the Office Action.

Claim 2 is objected to under 37 CFR §1.75(c) as being of improper dependent form. Claim 4 is similarly objected to in section 7 on page 4 of the Office Action. As indicated above, these objections have already been overcome by the cancellation of the claims 2 and 4 in the international stage.

Claims 1-6 (actually claims 1, 3, 5 and 6) are rejected under 35 USC §102(b) as being anticipated by JP-06270329 (a.k.a. Yuka '329). The same claims are rejected under 35 USC §102(b) as being anticipated by JP-07195870 (a.k.a. Yuka '870). The same claims are rejected under 35 USC §102(b) as being anticipated by JP-08121092 (a.k.a. Yuka '192). The same claims are rejected under 35 USC §102(b) as being anticipated by JP-05204609 (a.k.a. Yuka '609). The same claims plus 7 and 8 are rejected under 35 USC §103(a) as being unpatentable over a U.S. patent to Franz et al. No. 3,922,459 in view of Yuka '329, Yuka '870, Yuka '192, or Yuka '609. Claims 1-8

(actually 1, 3 and 5-8) are rejected under 35 USC §103(a) as being unpatentable over a U.S. patent to Le Blanc No. 3,619,342 in view of Yuka '329, Yuka '870, Yuka '192, or Yuka '609.

The Examiner contends that each of the limitations in claims 1, 3, 5 and 6 is fully met by the Yuka patent publications. The Examiner recognizes that no single publication relied upon fully discloses all of the features of claims 7 and 8 but contends that the combination of the teachings of the documents relied upon for the rejection of those claims would have made the invention obvious, at the time it was made, to a person having ordinary skill in the art.

The rejections are respectfully traversed. The invention as defined in independent claim 1, and therefore in all of the claims considered on the merits, it is material to be molded. The material comprises a porous material in which phenolic resin which is a condensating polymer or a phenolic compound and aldehyde and/or aldehyde donor wherein the phenolic resin is at least partially sulfomethylated and/or sulfimethylated. Moreover, the phenolic resin is at B-stage.

The invention as defined in the claims is neither disclosed nor suggested by the documents relied upon.

Yuka '329 discloses a hardened material of a mixture of hemp fiber and other fiber and polyphenol-aldehyde condensate binding said fiber(s). Nevertheless, it seems that said

polyphenol-aldehyde condensate in said hardened material is not in B-stage but completely hardened and further polyphenol-aldehyde condensate is not impregnated in the porous material but mixed in said fiber.

Yuka '870 discloses a porous material in which a mixture of phenol-aldehyde precondensation polymer and uronic compound is impregnated. Nevertheless this reference does not disclose that said precondensation polymer is in B-stage. In this reference, a long storage life is ensured by mixing uronic compound in said phenol-aldehyde precondensation polymer as a hardener.

Yuka '092 discloses a porous material in which a mixture of a urea compound and a phenol-aldehyde precondensation polymer is impregnated. Nevertheless, this reference does not disclose that said phenol-aldehyde precondensation polymer in said mixture is in B-stage. In this reference, a long storage life is ensured by mixing said urea compound in said phenol-aldehyde precondensation as a hardener.

Yuka '609 discloses a porous material in which a sulfomethylated co-condensate of mono phenol aldehyde condensate and polyphenol aldehyde condensate. Nevertheless, said reference does not disclose that said co-condensate is in B-stage. In this reference, a long storage life is ensured by sulfomethylation of said co-condensate.

The Franz patent and a U.S. patent to Burke No. 3,619,342 discloses a corrugated cellulosic sheet member containing aminoplast containing phenol-aldehyde resin system or

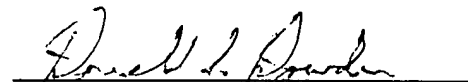
modified phenol-aldehyde resin system. Nevertheless these reference disclose that said phenol-aldehyde resins are not B-stage.

Thus regardless of whether the documents relied upon are considered separately, as in the rejections under 35 USC §102(b) or in combination, as in the rejections under 35 USC §103(a), they neither disclose nor suggest the invention as defined in the claims under consideration.

It is therefore respectfully requested that the Examiner withdraw the outstanding objections and rejections and issue a formal notice of allowance.

If a telephone interview would expedite the prosecution of the application, the Examiner is invited to call undersigned counsel.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald S. Dowden", is written over a horizontal line.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN THE SPECIFICATION

On page 1 of the specification, a new paragraph has been added: